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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,665	01/23/2004	Andrew R. Ferlitsch	SLA1378	9384
55428	7590	07/09/2009	EXAMINER	
ROBERT VARITZ 4915 SE 33RD PLACE PORTLAND, OR 97202			MCLEAN, NEIL R	
			ART UNIT	PAPER NUMBER
			2625	
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			07/09/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/763,665

Applicant(s)

FERLITSCH, ANDREW R.

Examiner

Neil R. McLean

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/22/2009 has been entered.

Status of Claims

2. Claims 1-7 are pending in this application.
- Claims 13-15 have been canceled.
- Claims 1 and 2 have been amended.

Response to Arguments

3. Regarding Applicant's Argument and Newly Added Claim Limitation:
- "Nothing like this is disclosed or suggested in the Rosen reference, wherein only a single driver (alone) is transferred from an imaging device to a client device. No mention is made of related configuration information."

Examiner's Response:

Rosen does not disclose expressly wherein the configuring is an associated driver/configuration-information pair.

Nguyen discloses wherein the configuring is an associated driver/configuration-information pair (Figure 2: STEP 208 'Select Drivers/Utilities to Download', the end user then selects for download the appropriate drivers and/or utility files, as indicated in function block 208).

Nguyen & Rosen are combinable because they are from the same field of endeavor of image processing; e.g., both references disclose methods of downloading and installing print drivers. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to download an associated driver/configuration-information pair. The suggestion/motivation for doing so that the latest patches, upgrades and/or software utilities are made available and uploaded to the network printer as disclosed by Nguyen (Column 2, lines 40-42). Nguyen further discloses that there is a need for a "less resource-intensive method for distributing printer drivers and related software in networked environments." Therefore, it would have been obvious to combine Nguyen with Rosen to obtain the invention as specified to reduce the amount of work by the network administrator and to ensure that all users can benefit from the updated driver and extra utilities.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 4-5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen (US 2003/0048473) in view of Nguyen et al. (US 7,430,736) hereinafter 'Rosen'

Regarding Claim 1: (Currently Amended)

Rosen discloses a method for single-event downloading to a selected client device (The present invention relates to printing devices and, more particularly, to methods and systems for storing a printer driver in a printing device and providing the printer driver to a computer coupled to the printing device [0001]), for the auto configuring therein of an imaging-device driver, an imaging device driver, said method comprising

establishing between the selected client device and the imaging device an operative connection (e.g., Communication Link 212 in Figure 2), including a bi-directional, imaging-device communication port which is (a) compatible with both devices, and (b) the port via which imaging-job information will be exchanged between the devices (e.g., A communication interface 118 in Figure 1 is coupled to the print engine 102 and allows the print engine to communicate with other devices, such as other printers as described in [0031]),

with respect to said establishing, and utilizing the mentioned port, effecting via a single request a companion single-event download delivery therethrough directly from

the imaging device to the selected client device of the imaging device's embedded imaging driver (Printer driver 114 may be stored in memory 112 or another nonvolatile storage device as described in [0028]), and (b) the imaging device's embedded, relevant configuration information (e.g., the print engine in a printer also contains a help file (i.e., help instructions for the user of the printer) that assists the user of the printer and/or the computer coupled to the printer to install printer drivers, update printer drivers, execute various printer functions, or perform other operations as described in [0043]), and in association with said single-event effecting, and the resulting single-event, direct-from-imaging-device download delivery, auto-configuring, in the selected client device, the thus directly delivered imaging driver utilizing the thus directly delivered configuration information (e.g., If the computer decides to use the printer driver stored in the printer, the printer communicates the printer driver to the computer (block 310). The computer then installs the printer driver and is able to communicate with the printer using the printer driver provided by the printer (block 312) as described in [0034]).

Rosen does not disclose expressly wherein the configuring is an associated driver/configuration-information pair.

Nguyen discloses wherein the configuring is an associated driver/configuration-information pair (Figure 2: STEP 208 'Select Drivers/Utilities to Download', the end user then selects for download the appropriate drivers and/or utility files, as indicated in function block 208).

Nguyen & Rosen are combinable because they are from the same field of endeavor of image processing; e.g., both references disclose methods of downloading and installing print drivers. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to download an associated driver/configuration-

information pair. The suggestion/motivation for doing so that the latest patches, upgrades and/or software utilities are made available and uploaded to the network printer as disclosed by Nguyen (Column 2, lines 40-42). Nguyen further discloses that there is a need for a "less resource-intensive method for distributing printer drivers and related software in networked environments." Therefore, it would have been obvious to combine Nguyen with Rosen to obtain the invention as specified to reduce the amount of work by the network administrator and to ensure that all users can benefit from the updated driver and extra utilities.

Regarding Claim 2: (Currently Amended)

Rosen further discloses the method of claim 1, wherein said effecting includes issuing from the client device to the imaging device a request through the communication port for the direct delivery of the driver and the configuration information (e.g., the printing device communicates the device driver to the computing device in response to a request from the computing device to transmit the device driver as described in [0011]).

Regarding Claim 4: (Original)

Rosen further discloses the method of claim 2, wherein the communication port employed is IEEE 1284 ECP parallel port (e.g., communication interface may communicate via a parallel connection, a serial connection, a universal serial bus (USB) connection, or a wireless (e.g., infrared or radio frequency) connection as described in [0031]).

Regarding Claim 5: (Previously Presented)

Rosen further discloses the method of claim 2 which is employed with a client device which possesses an add-device process, and which further comprises integrally linking the process of requesting, direct downloading and auto-configuring with such process (e.g., Additionally, other input devices (not shown) and/or output devices may be coupled to or attached to printer 202 as described in [0032]).

Regarding Claim 7: (Original)

The method of claim 5, wherein the communication port employed is IEEE 1284 ECP parallel port (e.g., communication interface may communicate via a parallel connection, a serial connection, a universal serial bus (USB) connection, or a wireless (e.g., infrared or radio frequency) connection as described in [0031]).

6. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen and Nguyen as applied to claims 1 and 5 above, and further in view of Applicant's admitted prior art.

Regarding Claims 3 and 6:

Rosen and Nguyen disclose all of the limitations as disclosed in Claims 1 and 5. However, they does not disclose expressly wherein the communication port employed is RAW port 9100.

Applicant discloses in the specification the "well known bi-directional RAW port 9100"; Page 6, lines 18-19). Rosen, Nugyen & Applicant's admitted prior art are combinable because they are from the same field of endeavor of image processing

systems. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have the Applicant's communication protocol RAW port 9100 as a means of communication in the printing device of Rosen and Nguyen. The suggestion/motivation for doing so is to have a well known, fast, proven, supported, and standardized communication port to ensure proper transmission of image data. Therefore, it would have been obvious to combine the Applicant's communication protocol RAW port 9100 with the printing device of Rosen & Nguyen to obtain the invention as specified.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lomas et al. discloses a method of enabling installation of a network printer onto a client processor and employing a server for managing printer installations.

Examiner Notes

8. The Examiner cites particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully considers the references in its entirety as potentially teaching all or part of the claimed invention, as

well as the context of the passage as taught by the prior art or as disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil R. McLean whose telephone number is (571)270-1679. The examiner can normally be reached on Monday through Friday 7:30AM-4:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571.272.7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Neil R. McLean/
Examiner, Art Unit 2625

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/David K Moore/

Supervisory Patent Examiner, Art Unit 2625